

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA )  
 )  
 v. ) No. 20 CR 812  
 )  
 MICHAEL McCLAIN, et al. ) Honorable Harry D. Leinenweber  
 )

**DEFENDANTS' JOINT MOTION  
TO RESET THE SENTENCING SCHEDULE**

Defendants respectfully move to reset the schedule for the sentencing submissions and hearings and to file each Defendant's and the Government's sentencing memoranda and responses simultaneously.<sup>1</sup>

Under the current schedule, Defendants' sentencing memoranda are set to be submitted *before* the date that the probation department's pre-sentencing report ("PSR") is due under Local Criminal Rule 32.1(f), as shown in the table below:

CURRENT SCHEDULE				
Defendant	PSR Due	Defs.' Sent. Memo. Due	Gov. Sent. Memo. Due	Sent. Hearing
McClain	12/7/23	12/4/23	12/18/23	1/11/24
Pramaggiore	12/12/23	12/5/23	12/19/23	1/16/24
Hooker	12/21/23	12/6/23	12/20/23	1/25/24
Doherty	12/26/23	12/7/23	12/21/23	1/30/24

This schedule does not provide adequate opportunity for Defendants to prepare their sentencing memoranda or to respond to the PSR, including the sentencing guideline calculations

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<sup>1</sup> Defendants sought concurrence from the Government in this schedule, and the Government did not concur.

therein. Additionally, Defendants respectfully request that each Defendant's and the Government's sentencing memoranda be filed simultaneously and, if necessary, permit responsive briefing to address disputed issues. Defendants anticipate that there will be significant disputes concerning application of the sentencing guidelines, including with respect to the calculation of loss. Defendants believe the Court would benefit from briefing from all parties on this complex issue. Moreover, because it is the Government's burden to establish the application of certain loss enhancements, Defendants request the opportunity to respond to the Government's arguments.

Accordingly, Defendants propose a revised schedule that will give all parties sufficient time to respond to the PSR and address disputed issues, if necessary. The proposed revised schedule reflects the Court's desire to have all sentencing submissions filed prior to the date of the first sentencing hearing and with sufficient time before the first hearing. To allow sufficient time to prepare for the sentencing hearings in light of the revised schedule for the submissions, Defendants propose that the sentencing hearing dates be reset correspondingly by approximately one month. Defendants proposed schedule is set forth in the following table:

<b>PROPOSED REVISED SCHEDULE</b>				
<b>Defendant</b>	<b>PSR Due (same as current)</b>	<b>Simult. Memo. Submission</b>	<b>Simult. Memo. Response</b>	<b>Sent. Hearing</b>
McClain	12/7/23	1/15/24	1/29/24	2/8/24
Pramaggiore	12/12/23	1/15/24	1/29/24	2/13/24
Hooker	12/21/23	1/15/24	1/29/24	2/22/24
Doherty	12/26/23	1/15/24	1/29/24	2/27/24

WHEREFORE Defendants respectfully move to reset the schedule for the sentencing submissions and hearings and to file each Defendant's and the Government's sentencing memoranda and responses simultaneously.

DATED: November 6, 2023

/s/ Patrick J. Cotter

Patrick J. Cotter  
GREENSFELDER, HEMKER & GALE, P.C.  
200 West Madison Street, Suite 3300  
Chicago, IL 60606  
Telephone: (312) 345-5088  
pcotter@greensfelder.com

David P. Niemeier  
GREENSFELDER, HEMKER & GALE, P.C.  
10 South Broadway, Suite 2000  
St. Louis, MO 63102  
Telephone: (314) 241-9090  
dpn@greensfelder.com

*Attorneys for Defendant Michael McClain*

/s/ Jacqueline S. Jacobson

Michael D. Monico  
Barry A. Spevack  
Jacqueline S. Jacobson  
MONICO & SPEVACK  
53 West Jackson Blvd., Suite 1315  
Chicago, IL 60604  
Telephone: (312) 782-8500  
mm@monicolaw.com  
bspevack@monicolaw.com  
jjacobson@monicolaw.com

Susan Pavlow  
53 West Jackson Blvd., Suite 1550  
Chicago, IL 60604  
Telephone: (312) 322-0094

*Attorneys for Defendant John Hooker*

Respectfully submitted,

/s/ Scott R. Lassar

Scott R. Lassar  
Daniel C. Craig  
Jennifer M. Wheeler  
SIDLEY AUSTIN LLP  
One South Dearborn  
Chicago, IL 60603  
Telephone: (312) 853-7000  
Facsimile: (312) 853-7036  
slassar@sidley.com  
dcraig@sidley.com  
jwheeler@sidley.com

*Attorneys for Defendant Anne Pramaggiore*

/s/ Michael P. Gillespie

Michael P. Gillespie  
GILLESPIE AND GILLESPIE  
53 West Jackson Blvd., Suite 1062  
Chicago, IL 60604  
Telephone: (312) 588-1281  
michael@gillespieandgillespielaw.com

*Attorney for Defendant Jay Doherty*